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Attorney for the State Board of Medical Examiners

FILED

Feb 3, 2003

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Jacqueline Pham
Deputy Attorney General
Tel. (973) 648-2436

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF

JUSTICE H. JAMES
License No: ME 18636

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER OF
VOLUNTARY SURRENDER
OF LICENSURE

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information that on March 14, 2001, it was ordered that Dr. James' ("Respondent") license to practice osteopathic medicine and surgery in the State of Ohio be suspended for an indefinite period of time. Said suspension was based on allegations that respondent was unable to practice according to acceptable and prevailing standards of care by reason of mental illness, including but not limited to, physical

CERTIFIED TRUE COPY


deterioration that adversely affects cognitive, motor, or perceptive skills. Based on the Ohio action, a Consent Agreement and Order was entered by the Pennsylvania State Board of Osteopathic Medicine wherein respondent voluntarily and permanently surrendered his license.

After having reviewed the matter, it appears to the Board that the Ohio and Pennsylvania disciplinary proceedings establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(g). It appearing that respondent desires to resolve this matter without formal proceedings and for good cause shown:

IT IS ON THIS 4th day of Dec. 2002,
ORDERED AND AGREED that respondent shall immediately surrender his license to practice medicine and surgery in the State of New Jersey with prejudice to re-application at any future time.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:



William V. Harrer, M.D., B.L.D.
Board President

I have read and understand
the within Consent Order
and agree to be bound by
its terms. Consent is hereby
given to the Board to enter
this Order.

Justice H. James 1902
Justice H. James, D.O.

THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

JUSTICE H. JAMES, D.O.

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FINDINGS, ORDER AND JOURNAL ENTRY

On October 13, 2000, the State Medical Board of Ohio sent to Justice H. James, D.O., a letter via certified mail, return receipt requested, stating that the Board had reason to believe that Dr. James was unable to practice according to acceptable and prevailing standards of care pursuant to Section 4731.22(B)(19), Ohio Revised Code, to wit: "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills."

The letter further indicated that this determination was based upon one or more of the following reasons:

- (1) On or about May 18, 1999, after receiving several reports from hospital employees describing incidents in which Dr. James acted disoriented and confused, and concerns regarding his ability to perform duties as the hospital pathologist, the administrator of Selby General Hospital requested, and Dr. James agreed to submit to, a complete physical examination by his personal physician. Dr. James' physician was to address his current state of mind and mental condition in the evaluation. Further, in order to assess the quality of Dr. James' work, the administrator obtained his consent to have another qualified pathologist randomly review slides from his practice and prepare independent pathology reports.

Dr. James subsequently submitted a report to the hospital, from his personal physician, documenting a physical examination of him that occurred on February 24, 1999; the examination did not include an assessment of his current state of mind or mental state,

- (2) On or about June 30, 1999, the administrator of Selby General Hospital requested that Dr. James submit to a psychiatric evaluation by Lance McCoy, M.D., to determine his ability to continue functioning as the hospital pathologist. On or about July 16, 1999, Dr. James submitted to a Comprehensive Psychiatric Evaluation by Dr. McCoy at the Worthington Center in Parkersburg, West Virginia.

General Intellectual Ability

- (a) Full Scale IQ: impaired;
- (b) Verbal IQ: borderline impaired/impaired;
- (c) Performance IQ: borderline impaired/impaired;
- (d) Intellectual efficiency, inductive reasoning, and conceptual ability in the visual modality: borderline impaired/impaired;

Visuospatial Processing and Visuo-Motor Integration

- (a) Ability to reproduce geometric designs: borderline impaired;
- (b) Visual analysis ability and ability to synthesize parts into wholes: low average/borderline impaired;
- (c) Ability to visually differentiate between essential and non-essential details: low average/borderline impaired;
- (d) Ability to accurately visually perceive and reproduce a complex visual design: moderately impaired;
- (e) Visual perceptual differentiation and conceptual reorganization: low average;

Attention and Concentration

- (a) Concentration ability and working memory: moderately impaired/impaired;
- (b) Auditory attention: low average;
- (c) Visual alternating attention: borderline impaired;
- (d) Speed of allocation of attentional resources: moderately impaired;

Memory Functioning

- (a) Ability to recall simple geometric designs after delay: low average;
- (b) Ability to copy and recall a visually complex geometric figure after a three minute delay: mildly impaired;
- (c) Ability to copy and recall a visually complex geometric figure after a thirty minute delay: borderline impaired;
- (d) Long-term verbal semantic memory: impaired;

Language Functioning

- (a) Knowledge of the meanings of words: impaired;
- (b) Ability to generate words using the semantic category of animals: average/low average;

Executive Functioning

- (a) Sequential reasoning and logical analysis task: borderline impaired,

- (b) Application of judgment to practical situations: borderline impaired/ impaired;
 - (c) Verbal concept formation and ability to judge when a conceptual likeness is essential as opposed to trivial: low average; and
 - (d) Abstraction and mental flexibility: impaired.
- (4) From on or about July 23 to on or about September 25, 1999, Dr. James took a leave of absence from his position at Selby General Hospital at the request of administrators.
- (5) It was reported that on or about September 16, 1999, Dr. James agreed to work in the laboratory at Family Health Services in Marietta, Ohio, during a prenatal clinic; he read slides for three patients that day. When reviewing the first slide, Dr. James commented to a staff nurse that the slide was of poor quality; the nurse looked and informed him that he did not have the slide under the lens of the microscope. When reviewing the second slide, the nurse observed that the microscope lens was not over the specimen. Dr. James' report for the second slide initially stated that the slide was negative for clue cells. Upon being advised by the physician working at the clinic that he could not believe the report based on the patient's symptoms, Dr. James then reread the slide and reported that a few clue cells were present. The papanicolaou smear report indicated the presence of an infection. When reviewing the third slide, Dr. James' report indicated negative for fungi. The nurse reported that she could see the yeast infection and that again, the physician could not believe the report based on the patient's symptoms. The papanicolaou smear report indicated the presence of a yeast infection. Dr. James has not returned to the Family Health Services laboratory since this incident.
- (6) It was reported that on or about October 1, 1999, Dr. James' clinical privileges were summarily suspended at an emergency session of the Selby General Hospital Medical Executive Committee. The Ethics Committee of Selby General Hospital conducted hearings throughout October, November and December, 1999, and decided to continue the suspension. Dr. James appealed this decision, and in or about December, 1999, the Selby General Hospital Board upheld his suspension.

The October 13, 2000, certified letter from the Board further notified Justice H. James, D.O., that, pursuant to Section 4731.22(B)(19), Ohio Revised Code, he was ordered to submit to an examination. The examination was scheduled to take place at the Ohio State University, with Howard H. Sokolov, M.D., on November 10, 2000, at 10:00 a.m.

The October 13, 2000, certified letter from the Board further notified Dr. James that failure of an individual to submit to an examination as directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. Finally, the letter notified Dr. James that if he failed to submit to

the examination, and such failure was not due to circumstances beyond his control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

Pursuant to Section 119.07, Ohio Revised Code, Dr. James was duly notified of the examination on order and its scheduled date. The certified letter return receipt is signed and dated October 14, 2000. Dr. James failed to appear for the psychiatric examination that the Board scheduled for him. At no time did Dr. James inform the Board that his failure to appear was due to circumstances beyond his control.

WHEREFORE, pursuant to Section 4731.22(B)(19), Ohio Revised Code, the Board hereby FINDS that Justice H. James, D.O., has admitted the truth of the allegations set forth in the October 13, 2000, letter from the Board to Dr. James. The Board further FINDS that Dr. James is unable to practice according to acceptable and prevailing standards of care pursuant to Section 4731.22(B)(19), Ohio Revised Code, to wit: "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills."

WHEREFORE, it is hereby ORDERED that:

1. The certificate of Dr. James to practice osteopathic medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.
2. The Board shall not consider reinstatement of Dr. James' certificate to practice osteopathic medicine and surgery unless and until all of the following conditions are met:
 - a. Dr. James shall submit an application for reinstatement, accompanied by appropriate fees, if any;
 - b. Dr. James shall submit two Written reports indicating that, no more than three months prior to submitting his completed application for reinstatement, Dr. James has been psychiatrically evaluated, at which time Dr. James' ability to practice medicine was assessed and he was found capable of practicing medicine according to acceptable and prevailing standards of care. The evaluations shall be conducted by psychiatrists approved in advance by the Board. The evaluations shall be at the expense of Dr. James. Prior to the evaluations, Dr. James shall provide the evaluators with a copy of this Order and any other information which the Board deems may be appropriate to the evaluator. Dr. James shall authorize release of the evaluators' reports to the Board and shall ensure that the Board is provided with a copy of each report. The reports shall

describe the basis for the evaluators' determinations and shall include a detailed recommended plan of any care, counseling, and/or treatment that may be required for Dr. James. The reports shall also include any conditions, restrictions, or limitations that should be imposed on Dr. James' license;

- c. Dr. James shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, by any and all parties that provide treatment or evaluation for Dr. James' psychiatric illness or related conditions, or for purposes of complying with this Order whether such treatment or evaluation occurred before or after the effective date of this Order. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. James shall provide the Board written consent permitting any treatment provider from whom he obtains psychiatric treatment to notify the Board in the event he fails to agree to or comply with his psychiatric treatment plan;
- d. Dr. James shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board for a minimum period, to be determined by the Board, or, if the Board and Dr. James are unable to agree on the terms of a Written consent agreement, then Dr. James shall abide by any terms, conditions, and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code;

Further, upon reinstatement, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code;

- 3. In the event that Dr. James has not been engaged in the active practice of osteopathic medicine for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. James' fitness to resume practice;
- 4. Within thirty (30) days of the effective date of this Order, Dr. James shall provide a copy of this Order to all employers or entities with which he is under contract to provide physician Services or is receiving training, and the Chief of Staff at each hospital where he has privileges or appointments. Further, within thirty (30) days

Justice H. James, D.O.

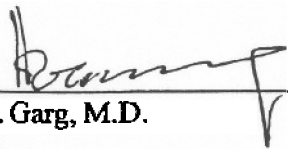
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of the effective date of this Order, Dr. James shall provide a copy of this Order by certified mail, return receipt *requested*, to the proper licensing authority of any state or jurisdiction in which he currently holds or applies for any professional license or reinstatement of any professional license. Doctor James shall provide this Board with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

This Order shall become effective immediately upon the date of mailing of approval by the State Medical Board of Ohio

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 14TH day of MARCH, 2001, and the original thereof shall be kept with said Journal.

(SEAL)


Anand G. Garg, M.D.
Secretary

MARCH 14, 2001
Date



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF OSTEOPATHIC MEDICINE
P.O. BOX 2649
HARRISBURG, PENNSYLVANIA 17105
717-783-4858
OSTEOPAT@PA.DOS.STATE.PA.US

FAX: (717) 717-7769
WWW.DOS.STATE.PA.US

March 7, 2002

To Whom It May Concern:

As custodian of records for the Pennsylvania State Board of Osteopathic Medicine, I certify the attached Consent Agreement and Order is a true copy of the information contained in the file of Justice H. James, D.O.

A handwritten signature in cursive script, reading "Gina Bittner", written over a horizontal line.

Gina Bittner
Administrator
State Board of Osteopathic Medicine

(Seal)

PROTHONOTARY

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF OSTEOPATHIC MEDICINE**

2001 DEC 28 PM 2: 03

Department of State

**Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs**

vs.

**Justice H. James, D.O.
Respondent**

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:
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: **Docket No.: 0956-53-01**
: **File No. 01-53-03939**
:
:
:

CONSENT AGREEMENT AND ORDER

The Commonwealth and Respondent stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Osteopathic Medicine pursuant to the osteopathic Medical Practice Act, Act of October 5, 1978, P.L. 1109, No. 261, as amended ("Act"), 63 P.S. §271.1 et seq.

2. At all relevant and material times, Justice H. James, D.O. ("Respondent") held a license to practice osteopathic medicine in the Commonwealth of Pennsylvania, License No. OS-000549-L.

3. The Commonwealth admits that the following facts are true:

a. Respondent's license expired on October 31, 1994, and may be renewed upon the filing of the appropriate documentation and payment of the necessary fees.

b. Respondent's last known address on file with the Board is 119 Ohio Boulevard, Marietta, OH 45750; however, the Prosecuting Attorney has reason to believe Respondent's address is 120 Polonia Way, Little Egg Harbor, NJ 08087.

c. Respondent last practiced in Marietta, Ohio.

d. On or about March 14, 2001, the State Medical Board of Ohio filed Findings, Order and Journal Entry suspending Respondent's license to practice Osteopathic Medicine indefinitely. A true and correct copy of the Findings, Order and Journal Entry is attached and incorporated as Exhibit 1.

e. The Respondent did not contest the Findings, Order and Journal Entry because he had retired and moved from Ohio.

f. The Respondent has no intention of resuming his practice in any state, including Pennsylvania.

4. In the interest of settlement and even though the Respondent disputes the Factual Findings and rulings of the Findings, Order and Journal Entry, the Respondent agrees that if a hearing were held and the allegations of paragraph 3 were proven to be true, the Board could find that the Respondent violated the Act at 63 P.S. §271.15(a)(4) in that Respondent's license to practice osteopathic medicine was disciplined by the proper licensing authority of another state.

5. For purposes of settlement only, the participants consent to issuance of the following Order in settlement of this matter:

a. The Board finds that Respondent violated the Act at 63 P.S. §271.15(a)(4) in that Respondent's license to practice osteopathic medicine was disciplined by the proper licensing authority of another state.

b. The Respondent shall voluntarily and permanently surrender his license, no. OS-000549-L. Upon adoption of this Consent Agreement and Order, Respondent shall immediately cease and desist from the practice of osteopathic medicine, and shall not represent himself as a board licensee in the Commonwealth in any manner whatsoever. Within 10 days of adoption of this Consent Agreement and Order, Respondent shall surrender his wall certificate by mailing them or delivering them in person to:

Elena R. Morgan
Bureau of Professional and Occupational Affairs
Legal Office
116 Pine Street
Harrisburg, PA 17101

6. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

7. This Consent Agreement is between the Commonwealth and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

8. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not

prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

9. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

10. This Agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

11. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Elena R Morgan Justice H. James D.O.
Elena R. Morgan
Prosecuting Attorney
Department of State
Justice H. James, D.O.
Respondent

DATED:

11/20/01

DATED:

11/12/01

Carl J Stich Jr.
Carl J. Stich, Jr., Esquire

DATED:

Sworn to and subscribed
before me this 12th

day of November 2001

Janice Manning
JANICE MANNING
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 1/21/2003

THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

JUSTICE H. JAMES, D.O.

FINDINGS, ORDER AND JOURNAL ENTRY

On October 13, 2000, the State Medical Board of Ohio sent to Justice H. James, D.O., a letter via certified mail, return receipt requested, stating that the Board had reason to believe that Dr. James was unable to practice according to acceptable and prevailing standards of care pursuant to Section 4731.22(B)(19), Ohio Revised Code, to wit: "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills."

The letter further indicated that this determination was based upon one or more of the following reasons:

- (1) On or about May 18, 1999, after receiving several reports from hospital employees describing incidents in which Dr. James acted disoriented and confused, and concerns regarding his ability to perform duties as the hospital pathologist, the administrator of Selby General Hospital requested, and Dr. James agreed to submit to, a complete physical examination by his personal physician. Dr. James' physician was to address his current state of mind and mental condition in the evaluation. Further, in order to assess the quality of Dr. James' work, the administrator obtained his consent to have another qualified pathologist randomly review slides from his practice and prepare independent pathology reports.

Dr. James subsequently submitted a report to the hospital, from his personal physician, documenting a physical examination of him that occurred on February 24, 1999; the examination did not include an assessment of his current state of mind or mental state.

- (2) On or about June 30, 1999, the administrator of Selby General Hospital requested that Dr. James submit to a psychiatric evaluation by Lance McCoy, M.D., to determine his ability to continue functioning as the hospital pathologist. On or about July 16, 1999, Dr. James submitted to a Comprehensive Psychiatric Evaluation by Dr. McCoy at the Worthington Center in Parkersburg, West Virginia.

EXHIBIT

Dr. H. James, D.O.
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Under the "Mental Status" section of the Comprehensive Psychiatric Evaluation report, Dr. McCoy stated that Dr. James did not fill out the self-assessment form at his office, but asked his wife to do it; that he scored 25 out of 30 on the Mini Mental State Examination; that he had difficulty with recall of two out of four objects at three minutes; that he listed the U.S. Presidents as Clinton, Bush, and Eisenhower, in that order; that he could not perform serial 7's adequately; and that he did not catch his mistakes. In the Comprehensive Psychiatric Evaluation report, Dr. McCoy listed the following Diagnostic Impression:

Axis I: Adjustment Disorder with Anxious Mood.
Cognitive Disorder, NOS.
R/O Dementia due to Parkinson's Disease, question other.
Axis II: None.
Axis III: Post polio syndrome, recent diagnosis of Parkinson's Disease.
Axis IV: Psychosocial Stressors: Acute, Severe, potential loss of employment, unclear if there is supportive relationship in the marriage.
Axis V: Current GAF: 60
Highest GAF past year: Unknown.

Further, in a July 20, 1999, letter to the Administrator of Selby General Hospital, Dr. McCoy stated, "it is clear that Dr. James has cognitive slippage, most grossly displayed by his inability to subtract 7 from 100 in a serial manner." Further, Dr. McCoy felt that, based on the history given by the hospital administrator and the office evaluation, it was "unlikely that Dr. James would be able to carry out the complex task of an anatomic pathologist."

- (3) At the request of the Administrator of Selby General Hospital and Dr. McCoy, Dr. James submitted to a Neuropsychological Evaluation by Saul H. Chapman, Ph.D., at the Worthington Center in Parkersburg, West Virginia on July 26 and July 30, 1999. In his report, Dr. Chapman concluded that, "the profile obtained of Dr. James' neurocognitive abilities generate significant concern and suggest that he is presently ill equipped in general to meet the obligations of satisfactorily carrying out the responsibilities of anatomic pathologist. Dr. James' most obvious deficiencies were observed in the neurocognitive domains of general intellectual ability and efficiency, visuospatial and visuo-perceptual processing, visual and semantic memory, attention and higher order executive function."

Further, the following is a list of selected results of tests administered as part of Dr. James' Neuropsychological Evaluation by Dr. Chapman. The list includes the specific ability/function measured and the range within which his score fell. Where possible, Dr. James' range was determined based on a comparison to others of similar age (70 to 75 years old) and/or education (18 to 20 years).

Justice H. James, D.O.

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General Intellectual Ability

- (a) Full Scale IQ: impaired;
- (b) Verbal IQ: borderline impaired/impaired;
- (c) Performance IQ: borderline impaired/impaired;
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- (a) Sequential reasoning and logical analysis task: borderline impaired;

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- (b) Application of judgment to practical situations: borderline impaired/ impaired;
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- (5) It was reported that on or about September 16, 1999, Dr. James agreed to work in the laboratory at Family Health Services in Marietta, Ohio, during a prenatal clinic; he read slides for three patients that day. When reviewing the first slide, Dr. James commented to a staff nurse that the slide was of poor quality; the nurse looked and informed him that he did not have the slide under the lens of the microscope. When reviewing the second slide, the nurse observed that the microscope lens was not over the specimen. Dr. James' report for the second slide initially stated that the slide was negative for clue cells. Upon being advised by the physician working at the clinic that he could not believe the report based on the patient's symptoms, Dr. James then read the slide and reported that a few clue cells were present. The papanicolaou smear report indicated the presence of an infection. When reviewing the third slide, Dr. James' report indicated negative for fungi. The nurse reported that she could see the yeast infection and that again, the physician could not believe the report based on the patient's symptoms. The papanicolaou smear report indicated the presence of a yeast infection. Dr. James has not returned to the Family Health Services laboratory since this incident.
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The October 13, 2000, certified letter from the Board further notified Justice H. James, D.O., that, pursuant to Section 4731.22(B)(19), Ohio Revised Code, he was ordered to submit to an examination. The examination was scheduled to take place at the Ohio State University, with Howard H. Sokolov, M.D., on November 10, 2000, at 10:00 a.m.

The October 13, 2000, certified letter from the Board further notified Dr. James that failure of an individual to submit to an examination as directed constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control. Finally, the letter notified Dr. James that if he failed to submit to

Justice H. James, D.O.
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the examination, and such failure was not due to circumstances beyond his control, the Board would be authorized to enter a default and final order without the taking of testimony or presentation of evidence.

Pursuant to Section 119.07, Ohio Revised Code, Dr. James was duly notified of the examination order and its scheduled date. The certified letter return receipt is signed and dated October 14, 2000. Dr. James failed to appear for the psychiatric examination that the Board scheduled for him. At no time did Dr. James inform the Board that his failure to appear was due to circumstances beyond his control.

WHEREFORE, pursuant to Section 4731.22(B)(19), Ohio Revised Code, the Board hereby FINDS that Justice H. James, D.O., has admitted the truth of the allegations set forth in the October 13, 2000, letter from the Board to Dr. James. The Board further FINDS that Dr. James is unable to practice according to acceptable and prevailing standards of care pursuant to Section 4731.22(B)(19), Ohio Revised Code, to wit: "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills."

WHEREFORE, it is hereby ORDERED that:

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 - a. Dr. James shall submit an application for reinstatement, accompanied by appropriate fees, if any;
 - b. Dr. James shall submit two written reports indicating that, no more than three months prior to submitting his completed application for reinstatement, Dr. James has been psychiatrically evaluated, at which time Dr. James' ability to practice medicine was assessed and he was found capable of practicing medicine according to acceptable and prevailing standards of care. The evaluations shall be conducted by psychiatrists approved in advance by the Board. The evaluations shall be at the expense of Dr. James. Prior to the evaluations, Dr. James shall provide the evaluators with a copy of this Order and any other information which the Board deems may be appropriate to the evaluator. Dr. James shall authorize release of the evaluators' reports to the Board and shall ensure that the Board is provided with a copy of each report. The reports shall

Dr. H. James, D.O.
Page 6

describe the basis for the evaluators' determinations and shall include a detailed recommended plan of any care, counseling, and/or treatment that may be required for Dr. James. The reports shall also include any conditions, restrictions, or limitations that should be imposed on Dr. James' license;

- c. Dr. James shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, by any and all parties that provide treatment or evaluation for Dr. James' psychiatric illness or related conditions, or for purposes of complying with this Order whether such treatment or evaluation occurred before or after the effective date of this Order. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. James shall provide the Board written consent permitting any treatment provider from whom he obtains psychiatric treatment to notify the Board in the event he fails to agree to or comply with his psychiatric treatment plan;
- d. Dr. James shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board for a minimum period, to be determined by the Board, or, if the Board and Dr. James are unable to agree on the terms of a written consent agreement, then Dr. James shall abide by any terms, conditions, and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code;

Further, upon reinstatement, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code;

3. In the event that Dr. James has not been engaged in the active practice of osteopathic medicine for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. James' fitness to resume practice;
4. Within thirty (30) days of the effective date of this Order, Dr. James shall provide a copy of this Order to all employers or entities with which he is under contract to provide physician services or is receiving training, and the Chief of Staff at each hospital where he has privileges or appointments. Further, Within thirty (30) days

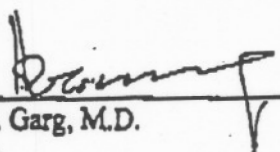
James, D.O.

of the effective date of this Order, Dr. James shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds or applies for any professional license or reinstatement of any professional license. Doctor James shall provide this Board with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

This Order shall become effective immediately upon the date of mailing of approval by the State Medical Board of Ohio.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 14TH day of MARCH, 2001, and the original thereof shall be kept with said Journal.

(SEAL)



Anand G. Garg, M.D.
SecretaryMARCH 14, 2001

Date

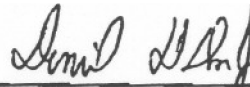
ORDER

AND NOW, this 12 day of Dec, 2001, the State Board of Osteopathic Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

BY ORDER:**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS****STATE BOARD OF OSTEOPATHIC
MEDICINE**

Albert H. Masland
Commissioner



Daniel D. Dowd, Jr., D.O.
Chairman

Date of mailing:
For the Commonwealth:

12/31/01

Elena R. Morgan, Esquire
P. O. Box 2649
Harrisburg, PA 17105-2649

For Respondent:

Carl J. Stich, Jr., Esquire
WHITE, GETGEY & MEYER CO., L.P.A.
1700 Fourth and Vine Tower
1 West Fourth Street
Cincinnati, OH 45202-3621

ERM/zw



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

April 23, 2002

Mr. William V. Roeder, Executive Director
State of New Jersey Board of Medical Examiners
P. O. Box 183
Trenton, NJ 08625

RE: Justice H. James, D.O.

Dear Mr. Roeder:

In response to your request, please find the enclosed documentation regarding the above referenced practitioner(s). I have also included descriptive information from our website's "licensee profile and status" screen for the purpose of providing positive licensee or registrant identification and license or registration status. This information is available through the website address listed below.

The license of Justice H. James, D.O., is inactive, please see enclosed documentation for further information.

Should you have any questions, please feel free to contact me at the telephone number or address indicated on this correspondence.

Sincerely,

A handwritten signature in cursive script that reads "Jackie Moore".

Jackie Moore
Disciplinary Information Assistant

Enclosures:

03/14/01 Board Order

Direct Dial: (614) 728-4640
FAX: (614) 728-5946
Website: www.state.oh.us/med/
E-Mail Address: jackie.moore@med.state.oh.us

Ohio Medical Board Licensee Profile & Status

Today's Date: 4/22/02

Identification Information

Name: JAMES, JUSTICE HAROLD

Birth Date: 0511925

Birthplace: PAW PAW

Practice:

State/Province: MI

City, State, Zip:

County:

Residence City, State, Zip: LITTLE EGG HARBOR, NJ 08087

County: Out-Of-State

Professional Education

School: KIRKSVILLE COL OST MED, KIRKSVL MO

Date of Graduation: 06/02/56

License Information

Identification Number: 34-000895 J

Description: DOCTOR OF OSTEOPATHIC MEDICINE

SPECIALTY: FAMILY PRACTICE

ANATOMIC/CLINICAL PATHOLOGY

OTHER(specialty other than those listed)

Ohio License Originally Issued: 01/29/57

License Status

License Status: INACTIVE LICENSE

License Issued
Through: 10/01/00

Note: Formal Action may invalidate license prior to this date.

Click on "view" button for details if formal action is indicated below.

Formal Action: Yes



Another Query

The above is an accurate representation of information currently maintained by the State Medical Board of Ohio as of April 22, 2002.

The JCAHO and the NCQA have informed the Board that they consider this on-line license status information as fulfilling the primary source requirement for verification of licensure in compliance with their respective credentialing standards.

This information is otherwise provided as a public service and no user may claim detrimental reliance thereon.

[Medical Board Home Page](#)

**Ohio Medical Board
Licensee Profile & Status**

Ohio Medical Board Formal Actions Against JUSTICE HAROLD JAMES, License Number: 34-000895

Today's Date: 4/22/02

03-14-01 - BOARD ORDER - MEDICAL LICENSE INDEFINITELY SUSPENDED; CONDITIONS FOR REINSTATEMENT ESTABLISHED, INCLUDING REQUIREMENT THAT DOCTOR ENTER INTO SUBSEQUENT CONSENT AGREEMENT INCORPORATING PROBATIONARY TERMS, CONDITIONS AND LIMITATIONS TO MONITOR PRACTICE. ORDER ENTERED DUE TO DOCTOR'S FAILURE TO COMPLY WITH BOARD-ORDERED EXAMINATION FOR POSSIBLE INABILITY TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF CARE 3Y REASON OF MENTAL OR PHYSICAL ILLNESS (JOURNAL ENTRY). ORDER MAILED 3/15/01; EFFECTIVE 3/15/01.

[View Documents](#)

***** End of Report *****

[Another Query](#)

The above is an accurate representation of information currently maintained by the State Medical Board of Ohio as of April 22, 2002 .

The JCAHO and the NCQA have informed the Board that they consider this on-line license status information as fulfilling the primary source requirement for verification of licensure in compliance with their respective credentialing standards.

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[Medical Board Home Page](#)

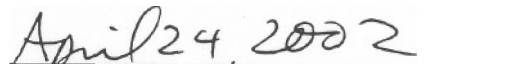
CERTIFICATION

I hereby certify that the attached documents are true and complete copies as they appear in the records of the State Medical Board of Ohio in the Matter of Justice H. James, D.O.

This certification is made by authority of the State Medical Board and on its behalf


William J. Schmidt
Assistant Executive Director

(SEAL)


Date